GOVERNMENT OF ANDHRA PRADESH
ABSRACT

PUBLIC SERVICES – PR&RD Department – Non-handing over & inadequacy of open spaces in approved layouts of Panasapadu village, Samarlkot Mandal, Toorangi (V) of Kakinada Rural Mandal, East Godavari District - Disciplinary proceedings against Sri A.V. Venkata Rao, the then Town Planning Assistant, O/o the District Town & Country Planning Officer, Kakinada, now retired, East Godavari District under Rule 20 of the Andhra Pradesh Civil Services (Clarification, Control and Appeal) 1991 –Article of Charges – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.III) DEPARTMENT

G.O.RT.No. 297 Dated: 07-06-2021

Read the following:-

1) From the Director General (V&E) & Ex-officio Principal Secretary to Govt, GA (V&E) Department, Vigilance Report No.71 (C.No.566/V&E/D/2016), dt.18.12.2016).
2) G.O.Ms.No.36, PR&RD (Vig.III) Dept, dt:07.06.2021

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ORDER:

It is proposed to hold an inquiry against Sri A.V. Venkata Rao, the then Town Planning Assistant, O/o the District Town & Country Planning Officer, Kakinada, now retired, East Godavari District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of the imputations of misconduct or mis-behaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri A.V. Venkata Rao, the then Town Planning Assistant, O/o the District Town & Country Planning Officer, Kakinada, now retired, East Godavari District is directed to submit his written statement of defense within (10) days from the date of receipt of this order.

4. Sri A.V. Venkata Rao, the then Town Planning Assistant, O/o the District Town & Country Planning Officer, Kakinada, now retired, East Godavari District is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri A.V. Venkata Rao, the then Town Planning Assistant, O/o the District Town & Country Planning Officer, Kakinada, now retired, East Godavari District is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the order/directions issued in pursuance of the said rules, the Inquiry Authority may hold the inquiry against him exparte, based on the material available on record.

6. Sri A.V. Venkata Rao, the then Town Planning Assistant, O/o the District Town & Country Planning Officer, Kakinada, now retired, East Godavari District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri A.V. Venkata Rao, the then Town Planning Assistant, O/o the District Town & Country Planning Officer, Kakinada, now retired, East Godavari District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules,1964.

7. The receipt of this orders shall be acknowledge along with Annexure-I, II, III

& IV forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri A.V. Venkata Rao, the then T.P.A, O/o the District Town & Country Planning Officer Kakinada, now retired, East Godavari District through the Commissioner, PR&RD, Tadepalli.Guntur District.
The Commissioner, PR&RD, Tadepalli. Guntur District
(2 Copies) (With a request to serve the order on the charged Officer and furnish acknowledgment with dated signature for record).
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE –I

Statement showing the Articles of charges framed against Sri A.V.Venkata Rao, Town Planning Assistant, O/o District Town and Country Planning Officer, East Godavari district, Kakinada now retired.

Article of Charge No.1:

That the said Sri A.V. Venkata Rao, while functioning as Town Planning Assistant, O/o District Town and Country Planning Officer, East Godavari district, Kakinada during the period his officiation in the aforesaid office, had failed in legitimate identification and discharge of duties i.e. of demarcated open spaces in LP No. 08/2011 and thereby caused revenue loss to the government exchequer and thereby held responsible for the same.

Thus A.V. Venkata Rao, then Town Planning Assistant, O/o District Town and Country Planning Officer, East Godavari district, Kakinada now retired by his above mentioned acts, has exhibited lack of integrity, has not shown devotion to duty and exhibited conduct which is unbecoming on part of a Govt. Servant, in contravention of Rule – 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Article of Charge No.2:

That, the said Sri A.V. Venkata Rao, while functioning as Town Planning Assistant, O/o District Town and Country Planning Officer, East Godavari district, Kakinada in the aforesaid office, had failed to discharge his legitimate duties with due care and diligence and thereby held responsible for the same.

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Thus A.V. Venkata Rao, then Town Planning Assistant, O/o District Town and Country Planning Officer, East Godavari district, Kakinada now retired by his above mentioned acts, has exhibited lack of integrity, has not shown devotion to duty and exhibited conduct which is unbecoming on part of a Govt. Servant, in contravention of Rule – 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE –II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGE FRAMED AGAINST SRI A.V.VENKATA RAO, TOWN PLANNING ASSISTANT, O/O DISTRICT TOWN AND COUNTRY PLANNING OFFICER, EAST GODAVARI DISTRICT, KAKINADA NOW RETIRED.

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During the course of enquiry, the V&E officers verified the available files of 11 layours of Panasapadu & Toorangi Gram Panchayats and noticed that certain layout developers had obtained layout pattern (LP) from Town & Country Planning Department with the following conditions:

(1) The layout proposal shall conform to the following requirements.

(a) Shall have approach through an existing road, the width of such shall not be less than 10 meters (in case of land-locked plots, the owner has to ensure the approach road through neighboring lands accordingly.
(b) Minimum width of proposed roads in the layout shall be 10 meters for residential and 12 meters for all non-residential layouts. Notwithstanding the above minimum width, the Executive authority may insist upon larger road widths depending upon local conditions or importance of any particular road etc., The width of the roads in the layouts shall be in conformity with the General Town Planning Scheme or the Indicative Land Use Plan or Master Plan, if any, in force.
(c) Minimum open space set apart in the proposed layout for play ground / park/ educational institution or for any other public purpose shall be at the rate of 10% of the total site area.
(d) Minimum plot size for non-residential layouts shall be 300 sq. meters except in cases of commercial or Mercantile buildings for which the minimum plot size shall be 18 Sq. meters.
(e) The layout proposals shall comply with the restrictions mentioned in Rule 5 of these rules.
(f) The applicant should provide a service road of minimum 120 meters width for the layout if the land is abutting to National Highway having less than 60 meters width.

Instance of deficit open space in approved layout:

(i) During the enquiry, it is noticed by the V&E authorities, that the open space pertaining to the Layout LP No. 08/2011 is not available on ground as specified in the layout plan approved. Therese is shortfall / deficit in the extent as shown in the table below;
(ii) During field verification, it is noticed that the LP No. 08/2011, there is an irrigation drain existing adjacent to the open space of the layout before formation of layout itself. But, it was mentioned as open space in the layout plan. Thus, the open space of land shown as per approved plan is not available on ground. Hence, the variation of open space extent appeared in the said layout.

(iii) In compliance of the rules in force, the proposed land shall be physically inspected by the Charged Officer before issuing TLP. Accordingly, in the present layout proposals, the charged officer supposed to physically inspect the proposed area and verify the field conditions before approving such proposals for the layout. But in the instant case, it was not done and the TLP was issued spite the irregular proposal submitted by the developer.

Hence, the charge.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE –III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED SRI A.V.VENKATA RAO, TOWN PLANNING ASSISTANT, O/O DISTRICT TOWN AND COUNTRY PLANNING OFFICER, EAST GODAVARI DISTRICT, KAKINADA NOW RETIRED ARE PROPOSED TO BE SUSTAINED.

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Vigilance Report No.71 (C.No.566/V&E/D/2016, dt.18.12.2016 of GAD(V&E)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSESS BY WHOM THE ARTICLE OF CHARGES FRAMED SRI A.V.VENKATA RAO, TOWN PLANNING ASSISTANT, O/O DISTRICT TOWN AND COUNTRY PLANNING OFFICER, EAST GODAVARI DISTRICT, KAKINADA NOW RETIRED ARE PROPOSED TO BE SUSTAINED

- NIL-

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER